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In re Application of:
Seung-Do Han et al.
Serial No.: 10/755,390
Filed: January 13, 2004
Attorney Docket No.: 0630-1928P

DECISION ON REQUEST
TO REMAIL OFFICE ACTION

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT" filed on March 8, 2005. It is being treated as a request to remail Office action.


The request is **GRANTED**.

A non-final Office action was mailed on August 27, 2004. There was no response to this Office action within the six month statutory period set forth in 35 U.S.C. 133. Thus, the application became abandoned by operation of law for failure to reply to the Office action. However, no Notice of Abandonment has been mailed.

Petitioner asserts applicant did not receive the Office action of August 27, 2004. The petition provides the required showing under MPEP § 711.03(c)(II) to establish nonreceipt of an Office action. It includes a statement from the practitioner stating that the Office action of August 27, 2004 was not received and attesting to the fact that a search of the file and docket records indicates that the Office action was not received. It also includes a copy of the docket records where the nonreceived Office action would have been entered had the Office action been received. The evidence is sufficient to establish that the Office action of August 27, 2004 was not received.

Accordingly, the Office action of August 27, 2004 will be remailed and a new shortened statutory period for response to this Office action will be set to expire three months from the date of remailing.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.


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